REMARKS

In accordance with the foregoing, claims 1-10 and 12-21 have been amended. Claims 11 and 22 have been cancelled. Claims 1-10 and 12-22 are pending and under consideration.

The specification is amended for clarification.

In the Office Action mailed December 21, 2006, claims 11 and 22 were objected to as being of improper dependent form, claims 1-22 were rejected under 35 U.S.C. 112(2) as being indefinite, and claims 1-22 were rejected under 35 U.S.C. 103 as being unpatentable over Moshir et al (U.S. Patent No. 2004/0003266) in view of Dillard et al. (U.S. Patent No. 2001/0014884).

Claims 11 and 22 are cancelled, thus obviating the objections and rejections of same.

The rejections of remaining, pending claims 1-10 and 12-21 are respectfully traversed.

Reconsideration of the claims is respectfully requested.

Claims 1-10 and 12-21 are amended, taking the Examiner's comments into consideration. It is respectfully asserted that the amendments to claims 1-10 and 12-22 to overcome the rejections of claims 1-10 and 12-21 under 35 U.S.C. 112(2) are not narrowing amendments. Withdrawal of the rejections of claims 1-10 and 12-22 under 35 U.S.C. 112(2) is respectfully requested.

Moshir discusses a non-invasive automatic offsite patch fingerprinting and updating system and method. That is, in Moshir, a patch fingerprint is placed into a reposityory component and downloaded and compared to gathered information (refer to Figure 8 of Moshir).

Dillard discusses copy protection for database updates transmitted via the internet. In the Dillard apparatus, a user has to transmit a unique software key as an encryption key (refer to Figure 12 of Dillard).

In contrast to the foregoing references relied upon, either alone or in combination, in the present invention a download module is decrypted by an encryption key generated in the control system itself from the execution program data in the first storage element and from the module identifying information of the download module in the second storage element. Thus, in the present invention it is not necessary to transmit the encryption key

In addition, in the present invention, a storage start address, a data length and a check digit are encrypted in the download module. Neither Moshir nor Dillard discusses or suggests

this feature of a second control unit to decrypt the download module by an encryption key generated in the control system itself from data in the execution program data in said first storage element and from data the module identifying information of the download module in said second storage element and to replace, when a storage start address, a data length and a check digit that are encrypted in the download module are decrypted into valid values in a plain text, the execution program data in said first storage element with the fresh execution program data decrypted.

More particularly, independent system claim 1 recites "a second control unit to decrypt the download module by an encryption key generated in the control system itself from the execution program data in said first storage element and from the module identifying information of the download module in said second storage element and to replace, when a storage start address, a data length and a check digit that are encrypted in the download module are decrypted into valid values in a plain text, the execution program data in said first storage element with the fresh execution program data decrypted".

Independent method claim 12 recites similar features as independent system claim 1.

Dependent claims 2-10 and 13-22 recite patentably distinguishing features of their own. For example, claim 2 recites "a third control unit to control the control system to receive the download module including the fresh execution program data for a predetermined fixed period of time after starting the download function".

Withdrawal of the rejections of claims 1-10 and 12-21 under 35 U.S.C. 103 is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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